THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO. 10350 OF 2006

Date: 25.05.2006

Between:

Gadde Tata Rao

…. Petitioner

and

Sri Sitarama Swamy Temple rep. by its Executive Officer, Pothavaram, Nallajerla mandal, West Godavari district

& another.

… Respondents.

O R D E R:

The petitioner claims that he has been the tenant in respect of lands in survey Nos. 459 and 610 of Pothavaram village, Nallajerla mandal, West Godavari district belonging to Sri Sitharama Swamy Vari Devasthanam, the first respondent herein. He challenges the notice, dated 04.05.2006, through which the first respondent proposed to conduct auction for grant of leasehold rights in respect of the said land. The grievance of the petitioner is particularly as regards condition No.4 incorporated therein.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

Though the petitioner states that he is the subsisting tenant of the land, there is nothing on record to support him. Be that as it may, the first respondent incorporated condition No.4 in the auction notice to the effect that any person, who is in arrears of any kind to it, shall not be entitled to participate in the auction. It is not in dispute that the auction was held on 22.05.2006. The petitioner states that he was not permitted to participate in the auction, on the ground that he is in arrears of rent. That is a disputed question of fact. At any rate, once the auction has already been held and the petitioner has not participated therein, it is difficult to grant any relief to him.

The writ petition is accordingly dismissed. However, it is made clear that if any standing crop raised by the petitioner is there on the land, he shall be permitted to remove the same before he hands over the possession of the land to the successful bidder. There shall be no order as to costs.

25.05.2006 ksld/rkk